

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| _____ |) | |
| IN RE PHARMACEUTICAL INDUSTRY |) | |
| AVERAGE WHOLESALE PRICE |) | MDL NO. 1456 |
| LITIGATION |) | Civil Action No. 01-12257-PBS |
| _____ |) | |
| |) | Hon. Patti B. Saris |
| THIS DOCUMENT RELATES TO |) | |
| 01-CV-12257-PBS AND 01-CV-339 |) | Chief Mag. Judge Marianne B. Bowler |
| _____ |) | |

**JOHNSON & JOHNSON AND ORTHO BIOTECH PRODUCTS L.P.'S
CROSS MOTION FOR SANCTIONS**

Defendants Johnson & Johnson and Ortho Biotech Products L.P. respectfully cross-move this Court seeking the imposition of sanctions against plaintiffs' counsel and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law, the declaration in support of Erik Haas, the declaration in support of Lyndon Tretter, and exhibits thereto.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for Johnson & Johnson and Ortho Biotech Products L.P. conferred with counsel for the plaintiffs regarding the issues addressed in this cross-motion, but were unable to resolve or further narrow the issues.

Dated: August 31, 2005

Respectfully submitted,

/s/ Erik Haas

Andrew D. Schau (admitted *pro hac vice*)
Erik Haas (admitted *pro hac vice*)
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*Attorneys for Defendants Johnson &
Johnson and Ortho Biotech Products L.P.*

CERTIFICATE OF SERVICE

I certify that on August 31, 2005, a true and correct copy of the forgoing
JOHNSON & JOHNSON AND ORTHO BIOTECH PRODUCTS L.P.'S CROSS-MOTION FO
SANCTIONS was served on all counsel of record by electronic service pursuant to Paragraph
11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and
notification to all parties.

/s/ Erik Haas

Erik Haas